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21 Attorneys for Progressive Casualty Insurance Company

22 **UNITED STATES DISTRICT COURT**
23 **DISTRICT OF NEVADA**

24 PROGRESSIVE CASUALTY
25 INSURANCE COMPANY,

26 Plaintiff,

27 v.

JACKIE K. DELANEY; LARRY E.
CARTER; MARK A. STOUT; KENNETH
TEMPLETON; JOHN SHIVELY;
STEVEN C. KALB; JEROME F.
SNYDER; HUGH TEMPLETON; RICK
DRESCHLER; and the FEDERAL
DEPOSIT INSURANCE CORPORATION
as receiver for SUN WEST BANK,

Defendants.

Case No. 2:11-CV-00678-LRH-PAL

**PLAINTIFF PROGRESSIVE
CASUALTY INSURANCE
COMPANY'S MOTION FOR
EXTENSION OF TIME TO FILE
MEMORANDUM CONCERNING
DOCUMENTS FILED UNDER SEAL**

Now comes Plaintiff Progressive Casualty Insurance Company ("Progressive"), by and through its undersigned counsel, and respectfully requests that the Court grant Progressive a further extension of time until Friday, November 22, 2013 to file a

1 memorandum regarding documents filed under seal by Defendant Federal Deposit Insurance
2 Corporation, as Receiver of Sun West Bank ("FDIC-R").¹

3 The Court's Order of November 1, 2013 [DE 70] allowed Progressive until today,
4 November 14, 2013, to file a memorandum regarding documents filed under seal by the
5 FDIC-R in this matter on October 25, 2013. Progressive is not in a position today to advise
6 the Court with the level of specificity Progressive feels is necessary and it believes the Court
7 would expect whether these documents appropriately should remain under seal. Key
8 personnel with respect to this issue presently are out of the country on business but will be
9 back in their offices next week. Therefore, Progressive respectfully requests a further
10 extension of time until Friday, November 22, 2013 to advise the court whether it believes
11 that one or more of the documents the FDIC-R filed under seal properly should remain under
12 seal and, if so, the bases for its determination.

13 Respectfully submitted this 14th day of November, 2013.

14
15 HOWARD & HOWARD

16 By /s/ Thomas W. Davis, II

17 Thomas W. Davis, II
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19 LOSS, JUDGE & WARD, LLP

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23 *Attorneys for Progressive Casualty Insurance*
24 *Company*

25 ¹ Before filing this motion, counsel for Progressive contacted counsel for the FDIC-R and the
26 individual defendants asking whether Progressive could represent that this motion is
27 unopposed. Counsel for the individual defendants confirmed that they do not oppose the
relief Progressive requests. For understandable reasons, the FDIC-R's counsel was unable to
provide an answer before it was necessary for Progressive to file this motion.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of November, 2013, I caused a copy of the foregoing **Plaintiff Progressive Casualty Insurance Company's Motion for Extension of Time to File Memorandum Concerning Documents Filed Under Seal** to be electronically served upon all attorneys of record in this action.


An Employee of Howard & Howard

EXHIBIT

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Case No. 2:11-CV-00678-LRH-PAL

ORDER

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ORDER

Based upon Plaintiff Progressive Casualty Insurance Company's Motion For Extension Of Time To File Memorandum Concerning Documents Filed Under Seal,

IT IS HEREBY ORDERED that Progressive shall have until November 22, 2013 to file a memorandum concerning the documents filed under seal by the FDIC-R on October 25, 2013.

Dated this 18 day of November, 2013.

A handwritten signature in blue ink, appearing to read "T. A. Feen", is written over a horizontal line.

United States Magistrate Judge